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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

ECOLOGICAL RIGHTS
FOUNDATION, a non-profit corporation

Plaintiff,

v.

UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY, and
MICHAEL S. REGAN, as Administrator
of the United States Environmental
Protection Agency,

Defendants.

Case No. 4:24-cv-03665-HSG

**STIPULATION AND ORDER TO
CONTINUE LITIGATION DEADLINES
(as modified)**

1 Plaintiff Ecological Rights Foundation and Defendants United States Environmental
2 Protection Agency (“EPA”) and Michael S. Regan, Administrator of the EPA (collectively, the
3 “Parties”) stipulate as follows:

4 1. The Parties have reached a tentative settlement that resolves all claims identified in
5 Plaintiff’s Notice of Intent and First Amended Complaint in this matter. *See* ECF 23.

6 2. The Parties have negotiated a proposed consent decree, and Defendants have secured
7 approval from senior-level officials for the proposed settlement.

8 3. The proposed consent decree is subject to a 30-day public notice and comment period
9 consistent with EPA policy. The notice is being prepared and should be published in the Federal
10 Register in the coming weeks.

11 4. The Parties agree that an extension of all litigation deadlines is appropriate to conserve
12 resources and allow the parties the time necessary to finalize the settlement.

13 5. Per this Court’s September 27, 2024, Order, ECF 25, the current litigation deadlines
14 are as follows:

15
16 November 6, 2024 – Responsive Pleading Deadline

17 November 8, 2024 – Deadline to file ADR Certification

18 November 8, 2024 – Deadline to meet and confer re: initial disclosures, early
19 settlement, ADR process selection, and discovery plan

20 November 21, 2024 – Deadline to make initial disclosures

21 November 22, 2024 – Deadline to file Joint Case Management Statement

22 December 3, 2024 – Initial Case Management Conference
23

24 6. The Parties seek to continue all case management deadlines as follows, which
25 accommodates the public notice and comment period, time to consider any comments on the
26 proposed consent decree, and upcoming holiday season. Provided there are no comments that
27 EPA finds warrant any change, the Parties intend to move for entry of the proposed consent
28 decree after the comment period closes. The Parties agree to amend the deadlines as follows:

December 23, 2024 – Responsive Pleading Deadline

December 30, 2024 – Deadline to file ADR Certification

December 30, 2024 – Deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan

January 14, 2025 – Deadline to make initial disclosures

January 15, 2025 – Deadline to file Joint Case Management Statement

January 21, 2025 – Initial Case Management Conference

7. The Parties respectfully request that this Court enter this stipulation and extend all litigation deadlines as outlined above.

8. The undersigned counsel for Defendants attest that the other signatories listed below concur in the filing of this document.

Dated: November 4, 2024

Respectfully submitted,

s/ Elizabeth Berg

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Counsel for Plaintiff

ORDER

The Parties' Joint Stipulation to continue all case management deadlines is **GRANTED** and the following deadlines are entered:

December 23, 2024 – Responsive Pleading Deadline

December 30, 2024 – Deadline to file ADR Certification

December 30, 2024 – Deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan

January 14, 2025 – Deadline to make initial disclosures

January 15, 2025 – Deadline to file Joint Case Management Statement

January 21, 2025 at 2 p.m. – Initial Case Management Conference via a Zoom webinar. The Zoom webinar information and instructions remain the same as previously provided in docket no. 15

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 11/5/2024


The Honorable Haywood S. Gillam, Jr.